

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WELLS FARGO BANK, N.A.

Interpleader Plaintiff,

v.

ESM FUND I, LP, et al.,

Defendants.

10-CV-7332

DECLARATION OF  
JARRETT M. BEHAR

I, Jarrett M. Behar, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney at the law firm of Sinnreich Kosakoff & Messina LLP, attorneys for interpleader defendants ESM Fund I, LP, Compass SAV LLC, Compass Offshore SAV PCC Ltd., and ESM Management LLC (the “ESM Parties”). I am a member in good standing of the bar of New York and of this Court. I submit this declaration in support of the ESM Parties’ Response to Memorandum of Financial Security Assurance Inc. (n/k/a Assured Guaranty Municipal Corp.) in Opposition to Motion for Relief Pursuant to Rules 23 and 83.

2. I make this declaration based on my personal knowledge as well as based on knowledge I have obtained from my personal involvement in all of the aspects of the litigation of this matter.

3. Attached to this Declaration as Exhibit A is the complaint in Civil Action 12-cv-7322, which is presently pending in the Southern District of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 24, 2012, in Central Islip, New York.

  
\_\_\_\_\_  
Jarrett M. Behar